IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2006

CORAM

THE HONOURABLE MR. JUSTICE P. JYOTHIMANI

W.P.No. 26123 of 2006

Hosur Batta Employees Union
Regn. No.406/97 DRP
(Affiliated to United Labour Federation)
Rep. by its General Secretary
D.No.1/484, Old No.1/328
M.G.R.Nagar, Mookandapalli,
Hosur - 635 126. .. Petitioner

Vs

1. The Labour Officer
Byrappa Colony, Krishnagiri

2. The Management of Bata India Limited
Plot No.73, 74, Sipcot Industrial Complex,
Phase - I, Hosur - 635 126.

3. Government of Tamil Nadu
Rep. by its Secretary
Department of Labour & Employment
Fort St. George, Chennai - 600 009. ..
Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent therein to conclude the conciliation proceedings and despatch the failure report to the third respondent and further direct the third respondent to pass orders with regard to the reference of the Industrial Dispute.

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For Petitioner : Mr.V.Prakash (Party in person)

For Respondents 1 and 3: Mr.A.Edwin Prabhakar, GA

O R D E R

The petitioner is a recognised union represented by its President Mr.V.Prakash, who is appearing party in person. In respect of dispute regarding wage settlement, the dispute was referred to the first respondent for

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conciliation and the first respondent by notice dated 08.08.2006 has directed the parties to participate for conciliation proceedings. In these circumstances, since the matter relates to a urgent issue, this writ petition has been filed for a direction against the first respondent to complete the conciliation and despatch the failure report to the third respondent and on receipt of the same, the third respondent to refer the matter to Industrial Dispute.

2. Mr.V.Prakash, who appeared party in person submitted that in similar circumstances, the First Bench of this Court directed the first respondent to conclude the conciliation proceedings and refer to Government and the Government who shall refer dispute to the Labour Court.

3. I have heard Mr.V.Prakash, who appeared party in person and the learned Government Advocate who have taken notice on behalf of the first and third respondent.

4. In view of the above said direction issued by the First Bench of this Court, the first respondent is directed to complete the conciliation proceedings and if the same is failed, submit a failure report before the third respondent within four weeks from the date of receipt of a copy of this order and on receipt of the report, the third respondent is directed to refer the dispute to the Labour Court / Industrial Tribunal, within four weeks thereafter.

The writ petition is disposed of on the above terms. No costs.

tsvn

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Labour Officer
   Byrappa Colony, Krishnagiri

2. The Secretary
   Government of Tamil Nadu
   Department of Labour & Employment
   Fort St. George, Chennai - 600 009.

+ one cc to the Government Pleader sr no. 37464
+ one cc to Mr. V. Prakash, Advocate sr no. 37321

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nm(29.08.2006)

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